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6 **Attorneys for Defendant**
7 **NUANCE COMMUNICATIONS, INC.**

8
9 **UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 THE PHOENIX INSURANCE
12 COMPANY, a Connecticut corporation;
13 THE TRAVELERS INDEMNITY
14 COMPANY, a Connecticut corporation;
15 THE TRAVELERS INDEMNITY
16 COMPANY OF CONNECTICUT, a
Connecticut corporation; TRAVELERS
PROPERTY CASUALTY COMPANY OF
AMERICA, a Connecticut corporation,

17 Plaintiffs and Counter-
18 Defendants,

19 v.

20 INFINITY CONTACT, INC., an Iowa
21 corporation; and NUANCE
22 COMMUNICATIONS, INC., a Delaware
23 corporation,

24 Defendants and Counter-
25 Claimants

CASE NO. 5:13-cv-05905-BLF

**THIRD JOINT STIPULATION AND
[PROPOSED] ORDER TO REVISE
BRIEFING SCHEDULE FOR
OPPOSITION AND REPLY TO
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

DEMAND FOR JURY

Courtroom: 3
Judge: Hon. Beth Labson Freeman
Floor: 5

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rules 6-1(b) and 6-2, Defendant NUANCE COMMUNICATIONS, INC. ("Defendant") and Plaintiffs THE PHOENIX INSURANCE COMPANY, THE TRAVELERS INDEMNITY COMPANY, THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT, and TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA (collectively, "Plaintiffs") (together, with Defendant, the "Parties"), through their undersigned counsel, hereby file the following stipulated request to extend the briefing schedules with respect to Plaintiffs' Motion for Summary Judgment Against Defendant Nuance Communications, Inc., Docket Entry No. 52 ("Motion"), so that Defendant's opposition to the Motion will be filed on or before September 29, 2014, and Plaintiffs' reply brief in support of the Motion will be filed on or before October 22, 2014. In support of this request, the Parties stipulate as follows:

WHEREAS, on June 2, 2014, the Court issued a Case Management Order, Docket Entry No. 46 ("Order") setting forth the following schedule with respect to motions for summary judgment:

Parties to file Cross-Motion for Summary Judgment	June 30, 2014
Response to Motion for Summary Judgment	July 30, 2014
Reply to Motion for Summary Judgment	August 20, 2014
Motion for Summary Judgment Hearing	November 6, 2014 at 9:00 a.m.

WHEREAS, on June 30, 2014, Plaintiffs filed their Motion with this Court;

WHEREAS, on July 15, 2014, the Parties initiated discussions relating to potential settlement of this action;

WHEREAS, to further explore potential settlement of this action, the Parties stipulated on July 18, 2014 to extend Defendant's deadline to file its opposition to the Motion until Friday, August 15, 2014 and Plaintiffs' deadline to file their reply to the Motion until Friday, September 5, 2014;

WHEREAS, to further explore potential settlement of this action, the Parties stipulated on August 5, 2014 to extend Defendant's deadline to file its opposition to the Motion until Friday, August 29, 2014 and Plaintiffs' deadline to file their reply to the Motion until Friday, September 22, 2014;

1 WHEREAS, the Parties have reached a settlement, in principal, and are in the process of
2 preparing an agreement to memorialize the settlement;

3 WHEREAS, to provide the Parties with sufficient time to prepare and enter into the
4 settlement agreement, the Parties have agreed to extend Defendant's deadline to file its opposition to
5 the Motion until Monday, September 29, 2014;

6 WHEREAS, the Parties have further agreed to extend Plaintiffs' deadline to file its reply to
7 the Motion until Wednesday, October 22, 2014;

8 WHEREAS, if the settlement agreement is not effectuated, the Parties agree that the Court
9 should hold a hearing on the Motion on the same date as previously scheduled;

10 WHEREAS, no Party will be prejudiced by the relief requested in the stipulation;

11 WHEREAS, this extension will not substantively affect the overall case schedule given the
12 Order requires a hearing on the Motion to occur on November 6, 2014, which shall remain
13 unchanged.

14 WHEREAS, this stipulation is without prejudice to, or waiver of, any rights or defenses
15 otherwise available to the Parties in this action;

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between the parties
17 hereto that:

- 18 1) Defendant Nuance Communications, Inc., shall have through and including **September**
19 **29, 2014**, to file its opposition to Plaintiffs' Motion for Summary Judgment; and
- 20 2) Plaintiffs shall have through and including **October 22, 2014**, to file their reply in
21 support of Plaintiffs' Motion for Summary Judgment.

1 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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3 Dated: August 28, 2014

Respectfully submitted,

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5 By: /s/ Mark D. Peterson

Mark D. Peterson

CATES PETERSON LLP

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9 *Attorneys for Plaintiffs*

10 *The Phoenix Insurance Company, The*
11 *Travelers Indemnity Company, The Travelers*
12 *Indemnity Company of Connecticut, and*
13 *Travelers Property Casualty Company of*
14 *America*

13 Dated: August 28, 2014

Respectfully submitted,

14
15 By: /s/ Nicole L. Chessari

Michael T. Jones (SBN 661336)

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19 *Attorneys for Defendant*

20 *Nuance Communications, Inc.*

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22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23
24 DATED:

25 HONORABLE BETH LABSON FREEMAN
26 United States District Judge

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In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Mark D. Petersen, counsel for Plaintiffs The Phoenix Insurance Company, The Travelers Indemnity Company, The Travelers Indemnity Company of Connecticut, and Travelers Property Casualty Company of America have concurred to its filing.

/s/ Nicole L. Chessari
Nicole L. Chessari

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Nicole L. Chessari